



PATENT  
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By

(Signature of person mailing)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE DIVISIONAL APPLICATION OF:

**William J. Curatolo, et al.**

SERIAL NO.: 09/577,059

: EXAMINER: **R. Dewitty**

FILED: **May 22, 2000**

: ART UNIT: **1616**

FOR: **Controlled-Release Dosage  
Forms of Azithromycin**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON COMPLIANT AMENDMENT

This is in response to the Notice of Non-Compliant Amendment (the "Notice") mailed on February 15, 2006 in the above-identified application. A term of one month was given to supply the corrected section of the amendment (the claims), the originally submitted amendment having been in response to a non-Final Office action. This response is being submitted on March 8, 2006, hence is timely without the payment of an extension fee.

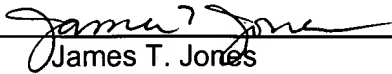
A copy of the corrected claims section is appended hereto, starting on its own separate sheet. The claims are the same as those previously submitted except for the correction required in the instant Notice, namely adding in the status identifier for claims 1-71 to reflect that they have been "(canceled)", which status identifier had been omitted by oversight from the claim summary previously submitted.

No fee is thought to be due for this submission since none was indicated in the Notice and no changes beyond entering the status identifier for claims 1 to 71 have been made. If, however, the Commissioner determines that any fee is due (including any fee for an extension, petition for which is hereby made), please charge it to Deposit Account No. 16-1445. Two copies of this paper are enclosed.

In view of the corrections made by Applicants, it is respectfully submitted that the amendment is in condition for review.

Respectfully submitted,

Date: MARCH 8, 2006

  
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James T. Jones  
Attorney for Applicant  
Reg. No. 30,561

Pfizer Inc  
Patent Department  
Eastern Point Road  
Groton, CT 06340  
(860) 441-4903